

2001P18436US
60,427-359**REMARKS**

Claims 27-29 stand rejected under 35 USC §103(a) as being obvious in view of Applicant's Admitted Prior Art (AAPA) in view of Shimada (U.S. Patent No. 6,241,936) and in view of Balderrama (U.S. Patent No. 5,108,524). The Examiner asserts on page 2 of the Final Office Action that the AAPA discloses a "peel and stick" foam gasket material applied to an air induction assembly. The Examiner asserts that a "peel and stick" gasket system is typically employed between the neck of a lower shell of an air induction assembly and an inserted mass air flow sensor. The Examiner further admits that the AAPA does not teach the steps of positioning a mold around an interior surface and an exterior surface of the neck of the lower shell, dispensing a liquid form of thermal mastic elastomeric material into the mold to create the elastomeric seal, and removing the elastomeric seal from the mold with the neck attached.

The Examiner asserts that Shimada teaches the step of injecting a material into a mold 30, inserting a leg 16 into the mold 30, and then removing the leg 16 and the attached gasket 20 from the mold 30. Neither the AAPA nor Shimada disclose the step of melting a thermal mastic elastomeric material into a liquid form. The Examiner asserts that Balderrama teaches a method for applying a hot melt material 24 to a cover 16. When a cap 19 of a dispenser 10 is coupled to a container neck 22, the hot melt material 24 is compressed between the cover 16 and container neck 22 (column 3, lines 46 to 50). Applying the hot melt material 24 to the cover 16 reduces the chance that the hot melt material 24 will disengage from the cover 16 during shipment (column 3, lines 56 to 66). The Examiner contends it would be obvious to form the gasket of AAPA/Shimada from a hot melt material, in view of Balderrama, and therefore claims 27-29 are obvious. Applicant respectfully disagrees.

It is not obvious to combine AAPA, Shimada and Balderrama because there is no motivation to combine these references. One skilled in the art forming an elastomeric seal for an air induction assembly located between a neck of a lower shell and a mass air flow sensor would not consider the spray dispenser 10 of Balderrama. Balderrama is from an unquestionably different field of endeavor than either AAPA or Shimada. AAPA relates to an air induction assembly, Shimada relates to a gasket used with an automotive lamp, and Balderrama relates to a spray bottle or dispenser. There is no motivation to combine Balderrama with AAPA and Shimada.

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Additionally, Balderrama includes no suggestion to employ the hot melt material 24 in an air induction assembly to create an elastomeric seal. Balderrama discloses that a problem with gaskets in spray bottles is that they often fall off during shipment. To overcome this problem, Balderrama teaches employing a hot melt gasket 24 that is unlikely to remove or detach from the cover 16 during shipment. AAPA discloses a "peel and stick" gasket. The gasket of the AAPA is secured to the air induction assembly by peeling off a wax paper layer and exposing an adhesive surface that adheres the gasket to the air induction assembly. The "peel and stick" gasket of the AAPA adheres to the air induction assembly and therefore does not have the removal problem that is addressed by Balderrama. The hot melt gasket 24 of Balderrama seeks to solve a problem that does not exist in the "peel and stick" gasket of AAPA, and therefore there is no motivation to combine Balderrama with AAPA or the combination of AAPA and Shimada. Additionally, Balderrama includes no suggestion to manufacturing numerous pads of various sizes. Applicant's claimed invention has recognized this problem. The combination of these references does not render claims 27-29 obvious and Applicant's claims are not obvious.

Finally, the Examiner asserts that a "peel and stick" gasket system is typically employed between the neck of a lower shell of an air induction assembly and an inserted mass air flow sensor, but supplies no evidence. Applicant cannot respond without the evidence, and thus ask that holding be dropped or evidence supplied. Notably, the relevant question is not whether a seal located between the neck of a lower shell of an air induction assembly and a mass air flow sensor has ever been employed. Instead the question is whether it would have been obvious to employ a seal between the neck of a lower shell of an air induction assembly and an inserted mass air flow sensor as in the claimed environment. Clearly, it would not have been. Nothing in the AAPA discloses or suggests employing a "peel and stick" gasket system in an air induction assembly between a lower shell and an inserted mass air flow sensor. Claims 27-29 are not obvious.

Thus, claims 27-29 and 31-40 are in condition for allowance. The Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., \$84.00 for one additional independent claim. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account

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for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.

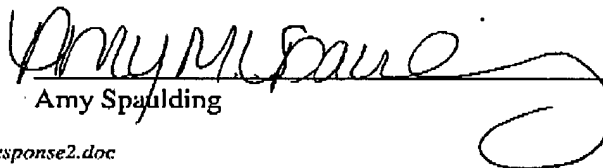


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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Art Unit 3726, Before Final facsimile No. (703) 872-9306, on December 19, 2003.



Amy Spaulding

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